

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARIA VICTORIA FERRER,  
CHARLES LISÉE, MIYA SHANI HOOKS,

Plaintiffs,

v.

Case No. 22-cv-11427  
Honorable Linda V. Parker

DETROIT CLUB MANAGEMENT CORP.  
d/b/a THE DETROIT CLUB, SUZETTE  
DAYE, and LYNN URALLI,

Defendants.

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**OPINION AND ORDER DENYING DEFENDANTS' MOTION FOR  
SANCTIONS (ECF NO. 40)**

This matter is presently before the Court on Defendants' motion for sanctions pursuant to Federal Rule of Civil Procedure 11. (ECF No. 40.) Defendants move for sanctions arguing that Plaintiffs' discrimination and retaliation claims under 42 U.S.C. § 1981 are frivolous. Rule 11, however, has procedural requirements that must be followed before sanctions can be requested and imposed, *see* Fed. R. Civ. P. 11(c), which Defendants fail to show have been followed.

Pursuant to Rule 11(c), a request for sanctions first “must be made separately from any other motion[.]” Fed. R. Civ. P. 11(c)(2). Moreover, the motion may not be filed or presented to the Court unless: (1) it first was served, at

least twenty-one days earlier, on the attorney, law firm, or party that violated the rule; and (2) within that twenty-one-day period, the challenged paper, claim, defense, contention or denial is neither withdrawn nor appropriately corrected. *Id.*; *see also Ridder v. City of Southfield*, 109 F.3d 288, 293-94 (6th Cir. 1997).

As Defendants apparently did not serve Plaintiffs or their counsel with their motion for sanctions twenty-one days prior to presenting their request to the Court, the Court may not impose sanctions under the rule.

Accordingly,

**IT IS ORDERED** that Defendants' motion for sanctions (ECF No. 42) is **DENIED**.

Dated: April 4, 2024

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE